

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

STACEY PALAZZO, MARK PALAZZO §
LIA PALAZZO §
Plaintiffs, §
§
VS. §
§
HCC LIFE INSURANCE COMPANY, §
Defendant. §

CIVIL ACTION NO.

NOTICE OF REMOVAL

TO THE UNITED STATES DISTRICT COURT:

Defendant, HCC Life Insurance Company, hereby files this Notice of Removal, under Title 28, U.S.C. §1441(a), to remove an action filed against it in the 201st Judicial District Court of Travis County, Texas to the United States District Court for the Western District of Texas. In support of this removal, Defendant would show the Court as follows:

1. On or about February 12, 2016, Plaintiffs initiated a lawsuit in the 201st Judicial District Court of Travis County, Texas, entitled “Stacey Palazzo, Mark Palazzo and Lia Palazzo, v. HCC Life Insurance Company,” Cause No. D-1-GN-16-000644. (**Exhibit A**). Service was made on Defendant HCC Life Insurance Company on February 22, 2016. (**Exhibit B**).

2. This lawsuit is an insurance coverage dispute and is one in which this Court has original jurisdiction under the provisions of Title 28, United States Code, Sections 1332 and 1441(a), in that it is a civil action between citizens of different states and the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs.

3. On information and belief, based upon representations in Plaintiffs' Original Petition, Plaintiffs are citizens of the State of Texas. (**Exhibit A, ¶ 3**)

4. Defendant is a corporation formed under the laws of the State of Indiana, with its principal place of business in Kennesaw, Georgia.

5. Based upon the representations in Plaintiffs' Original Petition, the amount in controversy exceeds \$75,000.00, exclusive of interest and costs. (**Exhibit A, ¶ 2**)

6. This Court has original jurisdiction under 28 U.S.C. § 1332(a)(1) because this is an action between citizens of different states and the amount Plaintiffs seek exceeds \$75,000.00, exclusive of interest and costs.

7. This Notice of Removal is timely filed in accordance with 28 U.S.C. § 1446(b), in that it is filed within 30 days from the date Defendant was served.

8. Venue is proper in this Court under 28 U.S.C. §1441(a) because the District Court of Travis County is where this action is pending.

9. Copies of all process, pleadings, and orders served or otherwise received by Defendant are attached to this Notice of Removal in accordance with 28 U.S.C. § 1446(a). (**See Exhibits A and B**).

10. A demand for a jury was made in Plaintiffs Original Petition. (**Exhibit A**).

11. Concurrent with the filing of this Notice of Removal, the Defendant gives written notice to all parties and will promptly file a copy with the clerk of the state court as required by 28 U.S.C. § 1446(d) to effect removal.

Respectfully submitted,

JAY OLD & ASSOCIATES, PLLC

BY:



JAMES R. OLD, JR.

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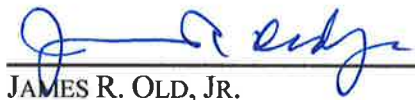
Telecopier: (409) 419-1733

CERTIFICATE OF SERVICE

A true and correct copy of the above and foregoing document has been served on all Known Counsel of Record via Electronic Filing, Hand Delivery, Certified Mail, or U.S. Regular Mail as referenced below on this 11th day of March, 2016.

Jon Michael Smith
3305 Northland Drive
Suite 500
Austin, Texas 78731

Via E-File



JAMES R. OLD, JR.